

Office of the Presiding Officer  
Military Commission

14 September 2005

**SUBJECT: Presiding Officers Memorandum (POM) # 1-2 - Presiding Officers Memoranda**

**This POM supercedes POM # 1-1 dated 12 August 2004**

1. From time to time, this Presiding Officer will, and other Presiding Officers may, feel the need to advise counsel on matters which might affect the preparation for and trial of cases before a Military Commission. To this end, the Presiding Officer has established Presiding Officers Memoranda (POM). These memoranda will be furnished to all counsel and others concerned within the Office for Military Commissions. In general, these POMs are issued to assist the Commission and its participants, to include the Presiding Officer, in preparing for and providing a full and fair trial under the provisions of Commission Law as defined below.

2. POMs, communications with counsel, and courtroom proceedings may use the term "Commission Law." Commission Law refers collectively to the President's Military Order of November 13, 2001, DoD Directive 5105.70, Military Commission Orders, Military Commission Instructions, and Appointing Authority/Military Commission Regulations in their current form and as they may be later issued, amended, modified, or supplemented. POMs shall be interpreted to be consistent with Commission Law and should there be a conflict, Commission Law shall control.

3. Numbering and effective dates of POMs.

a. Each POM will be limited to a single, general subject.

b. Changes to POMs will be in the form of rescinding a previous POM and reissuing a complete revision. Revised POMs will carry a number with a hyphen. *Example:* POM 15 is the first POM on a topic. If that POM is changed, the new POM will be numbered 15-1. A subsequent change would be POM 15-2.

c. A POM is effective on the date of the POM unless otherwise indicated.

d. References to superseded POMs. In some cases, one POM may refer to another, but the reference is out of date. References to superseded POMs will be read to refer to the current POM in the series. *Example:* POM 15 refers to POM 4-1. Later, POM 4-2 is issued but the reference in POM 15 is not changed immediately. Though the reference in POM 15 is no longer current, POM 4-2 (and not POM 4-1) is still in effect. Furthermore, POM 15 shall be read to refer to POM 4-2 because POM 4-2 is the current one in the POM 4 series.

4. POMs are not intended to and do not create any right, benefit, or privilege, substantive or procedural, enforceable by any party, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person. No POM provision shall be construed to be a requirement of the United States Constitution. Failure to meet a time period specified in a POM shall not create a right to relief for the Accused or any other person.

5. Some POMs may be issued in conjunction with the Chief Clerk for Military Commissions when there may be shared responsibility among or between the Presiding Officer, the Assistant to the Presiding Officers and the Chief Clerk.

Signed by:

Peter E. Brownback III  
COL, JA, USA  
Presiding Officer